

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Claim 29 has been amended to correct a typographical error.

II. 35 U.S.C. § 101 Rejections

Claims 24-34 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Specifically, independent claims 24, 29, 32 and 34 were rejected for reciting subject matter that can be interpreted as software alone. These rejections are respectfully traversed for the following reasons.

In the previously filed Supplemental Amendment independent claims 24, 29, 32 and 34 were amended to clarify that each of the license management server, the relay server, and the terminal device includes at least one processor, and were amended to clarify that the various processors are programmed to operate as various units. In view of the above, it is respectfully submitted that independent claims 24, 29, 32 and 34 require more than software alone and thus satisfy the requirements set forth by 35 U.S.C. § 101. Additionally, the Applicants note that in order to satisfy 35 U.S.C. § 101, it is not necessary for every limitation to require more than software alone. In other words, if the claimed invention requires at least one element of hardware (e.g., a processor), then the requirements set forth by 35 U.S.C. §101 will be satisfied. As a result, withdrawal of these rejections is respectfully requested, since claims 24-34 require specific hardware, which is more than software alone.

III. 35 U.S.C. § 103 Rejection

Claims 24-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Remer (U.S. 2003/0088516) and Nakahara (U.S. 2003/0048907). This rejection is respectfully traversed for the following reasons.

Independent claim 24 recites a content distribution system including a license management server, a relay server, and a terminal device. Further, claim 24 recites that the license management server includes a processor operating as a modification detection information generation unit generating a digital signature for detecting a modification of the first license and sending the generated digital signature to the relay server, depending on a status of a transmission path to the terminal device, and operating as a specification information receiving unit receiving an input of format specification information that is an instruction (to the terminal device) for converting a format of a second license to the first format. In addition, claim 24 recites that the relay server includes a processor operating as a second license generation unit (i) generating (in a second format) the second license by adding (to the first license) the digital signature for detecting the modification of the first license, the second format being different from the first format, and (ii) adding (to the generated second license) the format specification information received by the license management server. Claim 24 also recites that the terminal device includes a processor operating as a format conversion unit obtaining the second license from the relay server and converting the format of the second license into the first format, according to the format specification information added to the second license.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Remer fails to specifically disclose the features required by the “specification information receiving unit,” as recited in claim 24. Furthermore, the rejection states that Remer discloses replacing a POS license with a new license (see paragraph [0023] of Remer), and that a person skilled in the art would have readily recognized that the replacing of the POS license is an example of converting the format of the second license to a first format, as required by the claimed specification information receiving unit (see page 8 of Office Action).

However, Remer merely teaches exchanging a collected license for a newly purchased license (see Fig. 2, specifically, step 250).

Thus, in view of the above, it is clear that even though Remer teaches exchanging an existing license for another new license, Remer still fails to disclose or suggest the format specification information that is an instruction for converting the format of the second license to the first format, as required by claim 24.

In other words, Remer merely teaches exchanging the collected license for the newly purchased license, but fails to disclose or suggest the license server receiving an input of format specification information that is an instruction (to the terminal device) for converting a format of a second license to the first format, the relay server generating (in the second format) the second license by adding (to the first license) the digital signature for detecting the modification of the first license, the second format being different from the first format, and adding (to the generated second license) the format specification information received by the license management server, and the format conversion unit obtaining the second license from the relay server and converting the format of the second license into the first format, according to the format specification information added to the second license, as recited in claim 24.

Additionally, the Applicants note that on page 9 of the Office Action, the rejection of claim 24 acknowledges that Remer and Nakahara do not specifically disclose that “depending on a status of a transmission path to the terminal device,” as recited in claim 24. Despite this acknowledgement, the rejection of claim 24 states that based on the disclosures of paragraphs [0118], [0119] and [0121] of Nakahara, it would have been a predictable result of Nakahara to take into consideration the “transmission path” as recite in claim 24.

However, the Applicants note that Nakahara merely teaches transmitting and receiving a format transmission request and format data via a transmission path (see paragraphs [0118], [0119] and [0121]), and fails to disclose or even suggest taking the state of the transmission path into consideration, as required by claim 24.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 24 and claims 25-28 that depend therefrom would not have been obvious or result from any combination of Remer and Nakahara.

Furthermore, there is no disclosure or suggestion in Remer and/or Nakahara or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Remer and/or Nakahara to obtain the invention of independent claim 24. Accordingly, it is respectfully submitted that independent claim 24 and claims 25-28 that depend therefrom are clearly allowable over the prior art of record.

Independent claims 29, 32, 34 and 35 are directed to a license management server, a relay server, a terminal device and a method, respectively and each recites features that correspond to the above-mentioned distinguishing features of independent claim 24. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 29, 32, 34 and 35 and claims 30, 31 and 33 that depend therefrom are allowable over the prior art of record.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Satoshi NIWANO et al.

/Andrew L. Dunlap/

By 2011.10.26 13:01:28 -04'00'

Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/cso
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
October 26, 2011